

# **Alabama Drycleaning Environmental Response Trust Fund Advisory Board**



## **Functional Analysis & Records Disposition Authority**

**Presented to the  
State Records Commission  
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# **Functional and Organizational Analysis of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board**

## **Sources of Information**

- Representatives of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board
- Code of Alabama 1975 § 22-30D-1 through § 22-30D-12
- Alabama Administrative Code Sections 287-1-1-.01 through 287-1-1-.05
- Alabama Administrative Code Sections 335-16-1 through 335-16-2
- Code of Alabama 1975 § 41-20-1 through 41-20-6 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through 41-22-27 (Administrative Procedures Act)
- Alabama Drycleaning Environmental Response Trust Fund Advisory Board Audit Report (2005)
- Alabama Drycleaning Environmental Response Trust Fund Advisory Board website

## **Historical Context**

The Alabama Legislature created the Alabama Drycleaning Environmental Response Trust Fund Advisory Board in 2000 (Act 2000-740, p. 1624) to provide drycleaning owners and operators with a self-insurance program to cover the cost of investigation, assessment, and remediation of drycleaning contamination. The program is jointly administered by the board and the Alabama Department of Environmental Management.

## **Agency Organization**

The board consists of ten members, seven of which are appointed by the governor and confirmed by the Senate. The remaining three members hold ex officio positions. Each appointed member must be a resident of Alabama. The appointed membership must include one member to represent the interests of each of the following groups: (1) owners or operators of drycleaning facilities that employ no more than 10 full-time employees; (2) owners or operators of drycleaning facilities that employ more than 11 full-time employees but no more than 24 full-time employees; (3) owners or operators of drycleaning facilities that employ more than 25 full-time employees; (4) wholesale distributors of drycleaning agents with at least one operating an in-state wholesale distribution facility; (5) an environmental group with statewide membership; (6) the environmental engineering community; (7) the real estate community owning real property on which a drycleaning facility or abandoned drycleaning facility is or has been located.

To prevent simultaneous expiration of the terms of all members, the initial terms were staggered at three members to one-year terms, two members to two-year terms, and two members to three-year terms. Thereafter, the appointed members serve terms of three years. There is no restriction on the number of terms a member may serve.

The ex officio members consist of the state health officer, a representative of the Alabama Department of Environmental Management, and a representative of the Geological Survey of Alabama. The ex officio members serve without voting rights or compensation. Four members constitute a quorum. The board is required to hold four meetings each year. The board contracts with Warren & Co. to administer the board's business on a daily basis. A professional engineer is employed by the board to review applications for Approved Drycleaner Environmental Consultants (ADEC) and requests for payments by drycleaning owners/operators. An organizational chart is attached.

## Agency Function and Subfunctions

The mandated function of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board is to provide drycleaning owners and operators with a self-insurance program to cover the cost of investigation, assessment, and remediation of drycleaning contamination. The program is jointly administered by the Alabama Drycleaning Environmental Response Trust Fund Advisory Board and the Alabama Department of Environmental Management (ADEM). It is one of the agencies responsible for performing the Client Services function of Alabama government.

In performance of its mandated function, the Alabama Drycleaning Environmental Response Trust Fund Advisory Board may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** In compliance with its enabling statutes (Code of Alabama 1975 § 22-30D-1 to § 22-30D-12), the advisory board adopts rules and regulations to help fulfill its mandates. This subfunction encompasses activities pertaining to the development of rules, regulations, and procedures for administering the Alabama Drycleaning Environmental Response Trust Fund.
- **Disbursing Funds.** Owners or operators of drycleaning facilities, abandoned drycleaning facilities, and wholesale distributing facilities may choose to participate in this program by registering their facilities with the Alabama Department of Environmental Management and pay required fees to the Department of Revenue. Funds collected by the Department of Revenue are deposited into Fund 1077 in the State Treasury. Owners or operators of drycleaning facilities, abandoned drycleaning facilities, and wholesale distributing facilities, impacted third parties, or adjacent landowners who have elected to be covered by the program and are potentially eligible parties (PEPs) may submit requests for payments to the advisory board for the cost of investigation, assessment, and remediation of contamination at sites reported to the board and ADEM. Upon receipt of complete applications for reimbursement, the board will review and approve/deny or defer action on claims. The advisory board should not expend more than \$250,000.00 from the fund per fiscal year. In addition, the board is not allowed to distribute monies from the fund when the balance is below one million dollars unless an emergency exists that ADEM has determined constitutes an imminent and substantial endangerment to human health or the environment.

- **Approving Consultants.** In accordance with the Alabama Administrative Code Chapters 287-1-1-.04, the board screens and approves companies as Approved Drycleaner Environmental Consultants (ADEC). There are three categories of ADEC: (1) companies approved to perform initial investigations; (2) companies approved to perform property assessments, and (3) companies approved to perform property remediation work. Companies may be approved for multiple categories. Any company that wishes to be approved to perform fund eligible work must submit an application packet that may include application form; statement of organization, experience, and personnel; proof of satisfaction of experience requirements; insurance certificate; and notarized statements to the effect that neither the company nor any of the company's officials have been convicted of, pleaded guilty to, or pleaded *nolo contendere* to violating any law.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the state Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

**Managing Properties, Facilities, and Resources:** Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

# **Analysis of Record Keeping System and Records Appraisal of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board**

## **Agency Record Keeping System**

The Alabama Drycleaning Environmental Response Trust Fund Advisory Board currently operates a hybrid record keeping system composed of paper and electronic records.

## **Records Appraisal**

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Drycleaning Environmental Response Trust Fund Advisory Board: Temporary Records and Permanent Records.

**I. Temporary Records.** Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the Alabama Drycleaning Environmental Response Trust Fund Advisory Board are discussed below:

- **Approved Drycleaner Environmental Consultant (ADEC) Files.** A file is created for each individual/company who has been approved by the Alabama Drycleaning Environmental Response Trust Fund Advisory Board as a consultant. Included are completed application forms; statements of organization, experience, and personnel; proofs of satisfaction of experience requirements; insurance certificates; and notarized statements to the effect that neither the company nor any of the company's officials have been convicted of, pleaded guilty to, or pleaded *nolo contendere* to violating any law. Approved consultants must update application requirements every year in order to maintain their active status. The board maintains any inactive file for five years for reference.

**II. Permanent Records.** The Government Records Division recommends the following records as permanent.

## **Promulgating Rules and Regulations**

- **Meeting Agendas, Minutes, and Packets of the Board.** Meeting minutes record the decisions and actions of the board, providing key summary documentation of the board's operation. In addition to minutes, this series may include meeting agendas and other supporting or reference documents. These records are the best source of information about the functions of the board and the creation of its policy. **(Bibliographic Title: Meeting Minutes)**

## **Administering Internal Operations**

- **Website.** The board has a website at [www.drycleaningtrustfund.alabama.gov](http://www.drycleaningtrustfund.alabama.gov). Information on the web includes rules and regulations, names and addresses of board members, various forms, and listing of Approved Drycleaner Environmental Consultants. The website should be preserved as it serves as an important medium for communication with the public.  
**(Bibliographic Title: Website)**

**Permanent Records List**  
**Alabama Drycleaning Environmental Response**  
**Trust Fund Advisory Board**

**Promulgating Rules and Regulations**

1. Meeting Agendas, Minutes, and Packets of the Board

**Administering Internal Operations**

1. Website

# **Alabama Drycleaning Environmental Response Trust Fund Advisory Board Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board. The RDA lists records created and maintained by the Alabama Drycleaning Environmental Response Trust Fund Advisory Board in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

## **Explanation of Records Requirements**

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board. Copies of superseded schedules/RDAs are no longer valid and may not be used for records disposition.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for

short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

### **Promulgating Rules and Regulations**

#### **MEETING AGENDAS, MINUTES, AND PACKETS OF THE BOARD**

Disposition: PERMANENT RECORD.

#### **REGISTER OF ADMINISTRATIVE RULES**

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

#### **Administrative Rule Files**

Disposition: Temporary Record. Retain for useful life.

### **Disbursing Funds**

#### **Payment Request Files**

Disposition: Temporary Record. Retain 10 years after the final settlement of the claim.

### **Approving Consultants**

#### **Approved Drycleaner Environmental Consultant Files**

Disposition: Temporary Record. Retain 5 years after the file becomes inactive.

### **Administering Internal Operations: Managing the Agency**

#### **WEBSITE**

Disposition: PERMANENT RECORD. Preserve a complete copy of website annually or as often as significant changes are made.

**Board Appointment Letters**

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

**Routine Correspondence**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Copy of RDA**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA was superseded.

**Disbursement Database**

Disposition: Temporary Record. Retain for useful life.

**System Documentation (hardware/software manuals and diskettes, warranties)**

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists in the agency and all permanent records have been migrated to a new system.

**Administering Internal Operations: Managing Finances****Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting contracts for services or personal property**

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

**Records documenting the bid process, including requests for proposals and unsuccessful responses**

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500  
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)  
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

**Agency Audit Reports**

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

**Administering Internal Operations: Managing Properties, Facilities, and Resources**

**Insurance Policies/Risk Management Records**

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

## **Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)**

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Drycleaning Environmental Response Trust Fund Advisory Board (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in April of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The board should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the board chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this Records Disposition Authority on April 25, 2007.

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Edwin C. Bridges, Chairman, by Tracey Berezansky  
State Records Commission

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Date

Receipt acknowledged:

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Keith Warren, Administrator  
Alabama Drycleaning Environmental Response  
Trust Fund Advisory Board

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Date